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Attorney for Plaintiff, JUAN MORENO

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

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| <p>JUAN MORENO,</p> <p>Plaintiff,</p> <p>v.</p> <p>MARTIN O'MALLEY,</p> <p>Commissioner of Social Security,</p> <p>Defendant</p> | <p>CIVIL NO. 23-cv-4263-HSG</p> <p><b>STIPULATION FOR THE AWARD<br/>         AND PAYMENT OF ATTORNEY<br/>         FEES AND EXPENSES PURSUANT<br/>         TO THE EQUAL ACCESS TO<br/>         JUSTICE ACT, 28 U.S.C. §<br/>         2412(d); ORDER</b></p> |
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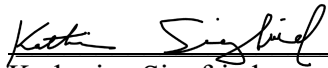
IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), in the amount of SEVEN THOUSAND FOUR HUNDRED AND THIRTY-SIX DOLLARS (\$7,436). This amount represents compensation for all legal services rendered on behalf of Plaintiff by Plaintiff's counsel, Katherine R. Siegfried (Plaintiff's Attorney) in connection with this civil action, in accordance with 28 U.S.C. §§ 1920, 2412(d). Plaintiff was the prevailing party in this matter, and his net worth is less than two million dollars. (ECF Doc. 2).

After the Court issues an order for EAJA fees to Plaintiff, the government will consider the matter of Plaintiff's assignment of EAJA fees to Plaintiff's Attorney. Pursuant to *Astrue v. Ratliff*, 560 US 586 (2010), the ability to honor the assignment will depend on whether the fees are subject to any offset allowed under the United States Department of the Treasury's Offset

1 Program. After the order for EAJA fees is entered, the government will determine whether they  
2 are subject to any offset. Fees shall be made payable to Plaintiff, but if the Department of the  
3 Treasury determines that Plaintiff does not owe a federal debt, then the government shall cause  
4 the payment of fees to be made directly to Katherine Siegfried, pursuant to the assignment  
5 executed by Plaintiff. Any payments made shall be delivered to the Law Office of Katherine  
6 Siegfried.

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8 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA  
9 attorney fees and expenses and does not constitute an admission of liability on the part of  
10 Defendant under the EAJA or otherwise. Payment of the agreed amount shall constitute a  
11 complete release from, and bar to, any and all claims that Plaintiff and/or Plaintiff's Attorney,  
12 including the Law Office of Katherine Siegfried, may have relating to EAJA attorney fees and  
13 expenses in connection with this action. This award is without prejudice to the rights of  
14 Katherine Siegfried to seek attorney fees under 42 U.S.C. § 406, subject to the savings  
15 provisions of the EAJA.

16 Date: January 25, 2024

17 By:   
18 Katherine Siegfried  
Attorney for the Plaintiff

19 Date: January 25, 2024

20 ISMAIL RAMSEY  
United States Attorney  
21 By: /s/ Erin Highland (as authorized by email)  
Erin Highland  
22 Special Assistant United States Attorney  
Attorney for Defendant  
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**ORDER**

Based upon the parties' Stipulation for the Award and Payment of Equal Access to Justice Act Fees, Costs, and Expenses, IT IS ORDERED that fees in the amount of SEVEN THOUSAND FOUR HUNDRED AND THIRTY-SIX DOLLARS (\$7,436) be awarded subject to the terms of the Stipulation.

Dated: 1/30/2024



Hon. Haywood S. Gilliam, Jr.

UNITED STATES DISTRICT COURT JUDGE